E-filed 4/6/06 1 McKAY, BURTON & THURMAN Bruce J. Boehm (Cal. Bar No. 186715) 2 170 South Main Street, Suite 800 Salt Lake City, Utah 84101 3 Telephone: (801) 521-4135 Facsimile: (801) 521-4252 E-mail: bruce@mbt-law.com 4 5 Attorneys for Defendants Harman - Chiu, Inc. and Harman Management Corporation 6 7 UNITED STATES DISTRICT COURT 8 NORTHERN DISTRICT OF CALIFORNIA 9 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, 10 CASE NO. C 05 3615 Plaintiff, 11 STIPULATED MOTION AND SANDRA VARGAS, ESTHER HERNANDEZ,) 12 [PROPOSED] ORDER TO EXTEND AND MARIVEL HERNANDEZ **DEADLINE FOR COMPLETING** 13 **MEDIATION** Plaintiffs/Intervenors 14 15 HARMAN – CHIU, INC., d/b/a/ KFC / TACO BELL, HARMAN 16 MANAGEMENT CORPORATION, INC., JORGE GARCIA, AND DOES 1-10 inclusive, 17 Defendants. 18 19 20 Harman – Chiu, Inc. and Harman Management Corporation ("the Defendants"), the 21 Equal Employment Opportunity Commission ("the Plaintiff"), and Sandra Vargas, Esther 22 Hernandez, and Marivel Hernandez ("the Plaintiffs/Intervenors"), by and through their counsel, 23 hereby stipulate and recite the following: 24 1. The deadline for completing the mediation is currently April 4, 2006. 25 2. The Defendants believe that additional discovery is necessary before the parties 26 proceed to mediation. Specifically, the Defendants wish to depose the Plaintiffs/Intervenors. 27 28

Scheduling conflicts have prevented the Defendants from completing the necessary disco				
prior to April 4, 20	06.			
3. The	parties have agreed tha	at, with the Court's approval, the date for the mediation		
should be extended	l sixty (60) days to allo	w for additional discovery and completion of the		
mediation.				
4. This	s request is not sought f	for purposes of delay.		
5. No	previous time modifica	tions by stipulation, or by the Court, have been made in		
this case.				
6. The	extension of time for n	mediation should have no effect on the schedule for the		
case.				
7. The	parties have scheduled	May 3, 2006 as the new date for the mediation, and		
the mediator has indicated she is available that date. IT IS THEREFORE STIPULATED that the deadline for completing mediation, should				
				be extended sixty (
subject to the Cour	t's approval.			
DATED thi	is day of	, 2006.		
		McKAY, BURTON & THURMAN		
		/ss/ / Bruce J. Boehm		
		Attorneys for the Defendants		
DATED thi	is day of	, 2006.		
		EQUAL EMPLOYMENT OPPORTUNITY		
		COMMISSION		
		lan l		
		/ss/ / Attorneys for the Plaintiff		
DATED thi	is day of	, 2006.		
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1	TALAMANTES VILLEGAS CARRERA, LLP
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3	/ss/ / Attorneys for the Plaintiffs/Intervenors
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6	PURSUANT TO THE STIPULATION, IT IS SO ORDERED.
7	DATED this _4th_ day of _April, 2006.
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9	The Honorable J dge Jeremy Fogel
10	The Honorable J dge Jeremy Fogel United States District Court for the Northern District of California
11	District of Cumorina
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1	PROO	F OF SERVICE			
2	STATE OF UTAH) ss				
3	COUN	TTY OF SALT LAKE)			
5	I am a resident of the State of Utah, over the age of eighteen years, and not a party to the within action. My business address is McKay Burton & Thurman, 170 S. Main, Suite 800, Salt Lake City, Utah 84101. On April, 3 rd , 2006 I served the within documents:				
6	STIPULATED MOTION AND [PROPOSED] ORDER TO EXTEND DATE OF				
7	MEDI	ATION			
8					
9					
10		I sent such document from facsimile machine (801) 521-4252. I certify that said transmission was completed and that all pages were received and that a report was			
11		generated by facsimile machine (801) 521-4252 which confirms said transmission and receipt. I, thereafter, mailed a copy to the interested party(ies) in this action by			
12		placing a true copy thereof enclosed in sealed envelope(s) addressed to the parties listed below.			
13 14	X	by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Salt Lake City, Utah addressed as set forth below.			
15 16		by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.			
17 18		by placing the document(s) listed above, together with an unsigned copy of this declaration, in a sealed Federal Express envelope with postage paid on account and deposited with Federal Express at Salt Lake City, Utah addressed as set forth below.			
19 20		by transmitting the document(s) listed above, electronically, via the e-mail addresses set forth below.			
21		William R. Tamayo			
22		Jonathan T. Peck Evangelina Fierro Hernandez			
23		Equal Employment Opportunity Commission San Francisco District Office			
24		350 The Embarcadero, Suite 500			
25		San Francisco, California 94105			
26		Virginia Villegas Jennifer Reisch			
27		TALAMANTES/VILLEGAS/CARRERA, LLP			
28		1550 Bryan Street, Suite 725 San Francisco, CA 94103			
- 1	1	Λ			

1	Kristin W. Maloney		
2	14 Sunrise Hill Road		
3	Orinda, CA 94563 Tel: (925) 254-6786		
	Fax: (925) 253-8226		
4	Alternative Dispute Resolution Program		
5	United States District Court Northern District of California		
6	450 Golden Gate Avenue		
7	San Francisco, CA 94103 Tel: 415-522-2199		
8	Fax: 415-522-4221		
9			
10	I am readily familiar with the firm's practice of collection and processing correspondence		
11	for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on		
12	motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.		
13	I declare under penalty of perjury under the laws of the State of California that the above is true and correct.		
14	Executed on April 3, 2006, at Salt Lake City, Utah.		
15			
16			
17	/ss/ Antoinette Gard-Moore,		
18	Antoinette Gard-Moore, Assistant to Mr. Boehm		
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